

1901-002 Chancery Causes: John G. Ely to vs. Rachel West to
Lee Co.

Slomp, Stewart, Sarver, Noel

1 Plat

CA - Estate Dispute
T - Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
of Lee County, Virginia:

Humbly complaining your orator John G. Ely and your oratrices Mary Slomp formerly Ely, Emily Stewart formerly Ely, Rebecca J. Stewart formerly Ely, Susan Stewart formerly Ely and Elizabeth Sarver formerly Ely will respectfully show to your honor that their father Joseph Ely, recently departed this life intestate, seized and possessed at the time of his death of a valuable estate consisting of both realty and personalty. The real estate so owned by him consisted of two tracts both being on Cane Creek in Lee County Virginia some five to six miles north-east of the town of Jonesville. One of said tracts was the home of the said Ely in his life time and lies on the both sides of the Louisville & Nashville Railroad and on both sides of Cane Creek. This tract of land contains 205 acres and is a very valuable, very rich and productive. A portion of it is likewise very well timbered having on it a considerable amount of very valuable poplar timber and a few very fine walnut trees. The other tract, ^{known as the Russell land} while not so valuable as the home place, being steeper and rougher, is likewise productive and well adapted to farming or grazing. It likewise has upon it a pretty large quantity of valuable poplar timber. This tract contains something less than 100 acres. The personal estate belonging to said decedent is valuable, and while not yet fully ascertained, will amount to, as your complainants are informed and believe, the sum of at least \$1700.00. Your complainants will now show your honor that it was the habit of said decedent when his children married and left him to give to each one of them a horse, two cows, two or three head of sheep and beds and bedding, and to most of his children he made these advancements, but to his daughter Emily Stewart he failed to give a horse, to his son John G. and his daughter Susan he failed to give a cow and any sheep, and to his daughter Elizabeth Sarver he failed to give any sheep. The horses thus given by said decedent by each of his children was considered by him to be worth about \$100.00 each and the cows about \$25.00 each and the sheep about \$1.00 each.

Your complainants will now show your honor that the said Joseph

Ely left in addition to your complainants four grand-children, to-wit, Rebecca J. Noe formerly Rebecca J. West, Rachel West, Joseph West and Phoebe West, who are children and heirs at law of ^{Lydia} ~~Louisa~~ West, formerly who was a daughter of said decedent, and that his real and personal estate all descended to your complainants and the said four grand-children.

Your complainants will now show your honor that said real estate is susceptible of partition in kind, but that while this is so they regard it as very difficult to partition said land in such a manner as to make the shares all alike valuable and at the same time equal. The smaller tract of land ought not to be partitioned, in the opinion of your complainants, but while this is so it will make more that is will be more valuable than the interest of either one of the heirs in said real estate. This being the case your complainants are of opinion that the home place should be divided in to six equal shares or parcels, having due regard to the valuable timber upon it and that the smaller tract should be laid off and assigned to one of said heirs affixing to each share thus laid off its fair cash market value and that the one receiving said smaller tract should be required to pay the difference in money, thus equalizing all the heirs and at the same time not lessening the value of said smaller tract by a partition thereof. This method of partition is acceptable and agreeable to all of your complainants and to the two adult defendants as complainants are informed and they believe it will be advantageous to the interest of ^{the} ~~two~~ ~~infants~~ defendants Joseph and Phoebe West. Said decedent owed no debts at the time of his death, his personal estate is amply sufficient as aforesaid to equalize advancements and pay all costs and charges of administration and it is as less therefore as complainants are advised to encumber this suit with its distribution.

Now the object of this bill is to have partition of the real estate owned by the said Joseph Ely at the time of his death between those entitled thereto, and being without adequate remedy at law they pray your honors court of Chancery to take cognizance of their cause

and grant them proper relief, to this end they make Rebecca J. Noe ~~nee~~ Rebecca J. West, Rachel West, ~~and~~ Phoebe West and Joseph West the parties defendant to this bill, and they pray that they be required to answer the same but they need not do so under oath, they pray that a guardian ad litem be appointed to answer for and defend the interest of Phoebe and Joseph West who are infants under the age of twenty-one years, and upon a final hearing they pray that commissioners be appointed to partition the lands owned by the said Joseph Ely at the time of his death among those entitled thereto, that in making said partition the home farm of the said Joseph Ely be divided into six equal parts that one of said parts be assigned to the said defendants that the other five parcels be allotted to five of the complainants, one parcel to each of them, that the smaller tract belonging to said decedent be allotted to one of said complainants, that a fair valuation be fixed upon each of said parcels in the home place and the said smaller tract and that the coparcener receiving by lot said smaller tract of land be required to pay to the other heirs the difference or excess of value of said parcel over and above the other. And if mistaken in this their special prayer then they pray for such other, further relief both special and general as their cause merits or as it is meet for a court of Equity to grant. And they will ever pray &c.

C. T. Duncan P. Q.

John B. Ely, et al.
vs. { Bill in Ely.

Rachel West et al.

1900, 2nd. Feb'y rules Bill
filed Spa. executed. Guard
ad litem appointed his
and filed D. N.
" 1st March rules taken
the last Monday in Feb'y
D. N. Conf'd & Cause set
for hearing

Plaintiffs Costs

Clerk	15.44
Jury	5.00
Shiff	5.00
att'y	15.00
Guard ad litem	5.00
L M Coamical	41.00
Litton	20.00
Headen	12.00
J. Stewart	5.00
Marion Stewart	5.00
Walter Stewart	5.00
West	5.00
Farver	5.00
County Clerk	5.00
	\$142.90

Life to Headen
J. S. Litton
J. M. Coamical

95.00
25.00
1.00 shiff

To the Honorable H.A.W.Skeen, Judge of the Circuit
Court of Lee County, Virginia:

The answer of Joseph West and Phoebe West, who are infants under the age of twenty-one years, by Geo.P.Cridlin, their Guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court of Lee County, Virginia, by Mary Shemp, nee Ely, Rebecca J.Stewart nee Ely, Emily Stewart nee Ely, Susan Stewart nee Ely, Elizabeth Sarver nee Ely, and John G.Ely;

Respondents, reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or so much thereof as they are advised it is material they should answer, by their said Guardian ad litem answer and say:-

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They ~~therefore~~, by their said guardian ad litem, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pary &c.

Geo. P. Cridlin
Guardian ad litem for Joseph West and
Phoebe West.

Virginia, Lee County, to-wit:-

This day personally appeared before me, A.B.Munsey, Clerk of the Circuit Court for Lee County, Virginia, Geo.P.Cridlin, guardian ad litem for Joseph West and Phoebe West, whose answer is written above, and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true; and so far as made from knowledge or information derived from others, he believes to be true.

Given under my hand, this the 19th day of Feb, 1900.

A.B. Munsey Clerk.

John G. Ely et als
vs
Ans G. A. L.

Rachel West

1900 1st Feby rules filed
Ans G. A. L.
A B Minney Clerk

Guardian ad litem
fee for answer. \$5.00.

John G. Ely et al

Plaintiff

vs.

In Chy.

Rachel West.

Defendant

This cause came on this day to be further heard upon the papers heretofore read in said cause and the report of L.M. Carmical, A.D. Litton and John F. Headen, Commissioners appointed to partition the land of Joseph Ely deceased, accompanied by a plat of the partition of his home place, which report was filed on the 25th day of May, 1901: and was argued by counsel. And it appearing to the Court that said report has been filed for more than ten days before this date and that no exceptions have been filed thereto, it is adjudged, ordered and decreed that said report, partition and assignment be, and they are each hereby confirmed: On consideration whereof it is adjudged, ordered and decreed that Rebecca J. Stewart take and hold lots No. 1 and 1 prime, according to the ~~metes~~^{take} and bounds thereof as shown by said plat and report; lot No. 1 containing 18 1/2 acres exclusive of railroad right-of-way, and lot 1 prime containing 17 1/2 acres, be the same more or less; that Susan Stewart ~~that~~^{take} and hold lots No. 2 and 2 prime, according to the ~~metes~~^{take} and bounds thereof, as shown by said plat and report; lot No. 2 containing 26 acres exclusive of railroad right-of-way, and lot 2 prime containing 9 acres, each more or less; that Mary Slomp take and hold lot No. 3, according to the ~~metes~~^{take} and bounds thereof as shown by said plat and report, containing 34 acres more or less; that Elizabeth Sarver take and hold lots No. 4 and 4 prime by the ~~metes~~^{take} and bounds thereof as shown by said plat and report, lot No. 4 containing 16 acres exclusive of the grave-yard and railroad right-of-way, lot 4 prime containing 21 acres, ~~each~~ more or less; that Rachel West, Rebecca J. Noe, nee West, Phoebe West and Joseph West, heirs at law of Lydia West, deceased, take and hold lot No. 5, according to the ~~metes~~^{take} and bounds thereof as shown by said plat and report, containing 32 acres more or less exclusive of railroad right-of-way; that Emma Stewart take and hold lot No. 6, according to the ~~metes~~^{take} and bounds thereof as shown by said plat and report, containing 45 acres more or less, exclusive of railroad right-of-way; that each of these assignments are to be held by the parties to whom assigned in severalty

free from the claim of their other co-parceners. It is further adjudged ordered and decreed that the family grave-yard is to remain to the estate of Joseph Ely deceased undivided, and that it is to be enlarged from its present dimensions one-half pole east and one-half pole west along the railroad right-of-way, making said grave-yard 4 poles in entire width, extending back 4 poles at right angles therewith containing one-tenth of an acre, ~~and that said grave-yard is to remain~~ and each heir of Joseph Ely deceased, having equal privileges to said grave-yard. It is further adjudged, ordered and decreed that John G. Ely take and hold lot No.7 known as the Russell tract of land, containing 99 acres more or less; said tract of land being fully described in the deed from John Russell to Joseph Ely deceased, which deed is recorded in the Clerk's office of Lee County; which share, the said commissioners determined exceeded in value each of the other shares herein before allotted and assigned, the sum of \$991.66 $\frac{2}{3}$, on consideration of which valuation, it is adjudged ordered and decreed that said John G. Ely pay to the other six heirs, in equal proportion the sum of \$850.00 or $\frac{141.66}{2}$ $\frac{2}{3}$ each, and when he shall have done so then he shall hold said tract of land in severalty free from the claim of his co-parceners; and it is further adjudged, ordered and decreed that he shall have credit on the sum herein decreed to be paid by him for any payments he may have made to any of his co-parceners on account of the excess in value of his said lot of land.

And it is further adjudged ordered and decreed that the administrators of Joseph Ely deceased pay the cost of this suit, to be taxed by the Clerk, taking receipts for the same, which said receipts shall constitute vouchers for them for the amounts thus paid on their settlements as such administrators with the commissioner of accounts; and the Clerk of this Court will deliver to the Clerk of the County Court copies of the decree appointing said commissioners, and directing said partition, together with the report and plat filed by the Commissioners and a copy of this decree to be recorded by the Clerk of the County Court in the proper Deed Book in his office as a muniment of title to each of said parties to whom assignments are here made. And there remaining nothing further to be done, this cause is stricken from the docket.

John G. Eley it also
78-3 Deane
Final,

Rachel West it also

Entered on ledger 013^{Mo}
6 Page 560

Enter this deane
H. A. W. Deane
June 5th 1901

John G.Ely et al. ----- Plaintiffs)
vs.) In Chancery.
Rachel West et al.----- Defendants)

This cause came on again this day to be heard upon the papers formerly read and the report of L.M.Carmical, A.D.Litton and John Headen, commissioners appointed for the purpose of partitioning the land in the bill and proceedings mentioned, and was argued by counsel and there being no exceptions to said report the same is confirmed. And it appearing to the Court that said Commissioners have heretofore made and filed a report of their partition of said land accompanied by a plat of the same, which report and plat have been lost; and it further appearing from the report of said commissioners, filed at this term of the Court, that they have discovered a mistake in their former action which materially affects the interests of said heirs, in this, that it makes the acreage of each of the shares in the home place too large and that it probably makes the sum to be paid by John G.Ely to his brothers and sisters in order to obtain equality in said partition, too small. It is therefore adjudged ordered and decreed that said commissioners correct their said partition and assignment; that they ascertain the true number of acres in each of the lots in the home place of the late Joseph Ely deceased, and that they ascertain the true, just and proper amount to be paid by the said John G. Ely by way of equality of partition to equalize the other heirs with himself; and for this purpose said commissioners will again go upon said land, if necessary, Said Commissioners will report their action hereunder, to the next term of this Court, till which time this cause is continued.

John G. Ely it also

rs- $\frac{1}{2}$ Nerve

Rachel West it also

En. C.B. 6 P.P. 542
+ 543.

Enter this record

146 W.D. 1000

March 13th 1901.

John G. Ely it also

25.

Rachel West it also.

This cause came on again this day to be heard upon the papers formerly read and was argued by Counsel.

And it being admitted that the Commissioners appointed to partition the land in the bill and proceedings have not yet performed the duties imposed upon them, And it being admitted that there is land on said farm in grass for grazing purposes, and in meadow which may be wanted, It is therefore adjudged ordered and decreed H. P. M. Stewart & S. P. West Admins of Jacobly deceased do proceed to ~~sell~~ ^{for the purchase of this year.} said said grazing grass, to the highest bidder after giving due notice for 10 days of the time and place of their meeting and said Administrators will cut, care and take care of said meadow grass. They will report their action to a future term of this Court and the cause is continued.

J. G. Kelly et al
no 3 Deane

Rachel Hunt et al

En - C. W. B. no 6. P.

403.

Enter this deane

H. C. W. S. H. W.

Nov. 11th 1900

John G. Ely et al.

Vs.

Rachel West and others.

This cause came on this day to be heard on the bill of the complainant, the answer of the infant defendants by Geo. P. Cridlin their Guardian ad litem, and general replication thereto, and was argued by counsel. And it appearing to the Court that process has been duly ~~served~~ served upon the adult defendants for more than fifteen days, and that they have failed to appear, answer, plead or demur to the said bill it is taken as confessed, and it further appearing to the Court that the decedent in his life time made some personal advancements to each of his children, but to some of them less than others in the following particulars, to wit: he failed to give his daughter ^{Emily Stewart} a horse, and that he failed to give his son John G. Ely a cow and four sheep, that he also failed to give his daughter Susan ^{one cow &} four sheep, and that he failed to give his daughter Elizabeth Sarver ^{and} four sheep, and it being admitted by the counsel of the plaintiffs ^{and} the adult defendants and the Guardian ad litem for the infants that the average price of the horses so given by said decedent to his his said children was \$90.00, cows \$25.00, and sheep \$1.00 each, and being ^{it} also admitted that the said Susan has since the death of her father accepted and received a cow in lieu of the one which she should have had on her marriage, her acceptance of the same is affirmed and the act of the administrators of said estate ⁱⁿ turning the same over to her ~~is~~ approved: On consideration of which it is adjudged ordered and decreed that the administrator of the said Joseph Ely shall pay to the said Emily Stewart the sum of \$90.00 for ~~or~~ in lieu of the horse she should have received, that they pay to John G. Ely the sum of \$39.00 for ~~or~~ in lieu of the four sheep and the cow which he should have received, and that they pay to Susan Stewart and Elizabeth Sarver, each, the sum of \$4.00 dollars in lieu of the sheep which they should have received. Said administrators will take receipts for the sums ^{thus} directed to be paid by them which shall constitute a credit to them on the settlement of their administration account. And it further appearing to the Court that the decedent was

seized at the time of his death of two valuable tracts of land situated on Cane Creek in Lee County Virginia, one of which is known as the home place and the other is locally known as the Russell land, which said two tracts of land on the death of said decedent descended to his heirs at law, who are the plaintiffs and defendants, which said lands are susceptible of partition in kind, and it is alleged in the bill and not denied that it will materially injure said Russell land to partition or divide the same into two or more parcels, but that it is greater in value than one seventh of all the lands owned by said decedent at the time of his death, and that any of the adult heirs to whom the same may fall are willing to take the same and pay to their co-heirs the difference in value: Upon consideration of all of which it is adjudged ordered and decreed that L.M. Carmical, A.D. Litton and John F. Headen who are hereby appointed commissioners for the purpose do go upon the lands of which the said Joseph Ely died seized and partition and lay out the ~~same~~ same among his said heirs at law. In making said partition said commissioners will lay off said home ~~farm~~ farm into six equal parts, quantity, quality, water, ways and timber considered, they will then affix and determine the fair cash value of said shares and out of said six shares or parcels they will then allow the heirs of Lydia West deceased, to draw one share, said commissioners will then fix and determine the fair cash value of the Russell land and place that ticket in with the five that are left, after the heirs of Lydia West have drawn their share and allow the other six heirs to draw and determine by lot the particular share to which they are entitled. In affixing a value to said Russell land said commissioners will take into consideration its quantity, quality, ways water and timber as they are herein directed in the partition of the home place. The excess of value of the Russell land over the other shares is hereby expressly made a lien upon the same to be paid as may be hereafter determined and directed by future decrees. Said commissioners will report their action to the next term of this court, to which time this cause is continued.

John & Lily it also
vs- $\frac{1}{2}$ Duane
Rachel West + others

Entered on City O.B.
No 6. P. 356.

Enter this diurnal
H. A. W. S. 1200
March 6th 1900

John E. Oly et al Plaintiff

vs

Rachel West et al Defendant

Oly

Pursuant to an order of the Circuit Court of Lee County Va dated March 6th 1900 We the undersigned Commissioners A. D. Little - John F. Hecker & L. M. Carmichael have partitioned the lands in the bill mentioned in the above styled cause and filed a report there of before the last term of said Court. But said report & plat being lost or misplaced - We found in our efforts of supplying a duplicate though ~~the former~~ a very grave error had been committed in the measurement of said lands and consequently the acreage and that it is necessary to have an extension of time to correct the error. Respect submitted This the 12th day of March 1901

L. M. Carmichael

A. D. Little

John F. Hecker

Carmichael

John H. Ely et al P

vs

Rachel West D.

Filed in Open Court
and by leave thereof
March the 12th 1900

A B Munsey clk

Jonesville Lee Co Va June 23rd 1900
To the heirs of Joseph Ely decd.
The undersigned having been appointed by an agreement made on the 18th day of June 1900. to settle certain matters between the heirs of Joseph Ely decd. heg to report the following, after going upon the shares laid out to the several heirs of the said Joseph Ely decd. On the share of Rebecca Stewart wife of Timothy Stewart, there is about 5 acres of grass not very heavy - but suitable to cut. for which Rebecca Stewart must pay \$15.00 to the heirs of Joseph Ely decd. and is to have possession of all the grass lands at once, to cut the grass or pasture or both as she sees fit.

On the share of Susan Stewart. wife of W. P. M. Stewart, there is about 2 1/2 acres of grass fit to cut. for which she is to pay to the heirs the sum of \$7.00 and have the possession of all her grass lands at once. to cut or pasture as she likes.

on the share of Mary Slump
there is about 1 acre of gross. for
which she must pay the sum
of \$3.⁵⁰ and have possession of
that part of her share at once.

On the share of Elizabeth Larver
there is about four acres of gross
for which she must pay the sum
of \$10.⁰⁰. and have possession of the
gross lands on her share at once.

On the share belonging to the West
heirs - but assigned to W. P. M. Stewart
and John G. Ely. there is some
gross including a three acre piece
of blue gross on the ridge. for
which they must pay the sum
of \$15.⁰⁰ and have possession of
all gross lands at once.

on the shares of Elizabeth Larver &
West's share the parties agree to fix
up the pasture matter amongst them-
selves. in regard to the pasture of the
meadow and the wheat stubble
in the same.

On the share of Emily Stewart the
wife of J. M. Stewart. there being
no gross, or pasture to pay for she

is given possession of her share at once.

On the share of John C. Ely. There is some grass, suitable for hay and some good pasture. for which he must pay \$10.⁰⁰ and have possession at once of all grass lands, and Timothy Stewart having raised about 9 acres of wheat in the same field with the grass above mentioned, and agrees to give possession of same in two weeks from this date, it is adjudged that John C. Ely pay to Timothy Stewart the sum of \$4.⁰⁰ for said stubble field and the early possession of the same.

On the share of Susan Stewart there is about 3 acres of Peas or Millet and about the same amount on the share of Mary Slomp. which must be cut and the rent equally divided between all the heirs, and possession given to the land on which said Peas and Millet was raised by Oct 1st 1900. Possession of land on which wheat was raised on this farm must be

delivered to the owner by Sept 1st
1900. and all land on which
Corn was raised must be delivered
on Nov 1st or by Nov 10th 1900.
at furthest.

The money paid by the different heirs
under this report must be equally
divided amongst all the heirs of
Joseph Ely each taking one
seventh part as his or her share.

All of which is respectfully Submitted

H. C. Forslyn
N. S. Cox

Heirs of
Joseph Ely decd
Report of
H. C. Forslyn &
N. S. Cox

Certs
H. C. Forslyn \$2.⁰⁰
N. S. Cox \$2.⁰⁰

John L. Oly et al Plaintiff }
 vs } In Chy.
 Rachel West et al Defendant }

Pursuant to an order of the Circuit Court
 of Lee County Va. - ^{& more 13th 1901} dated March 6th 1900 - We the
 undersigned Commissioners A. D. Lutton John F. Head-
 er & L. M. Carmichael have partitioned the lands
 in the bill mentioned in the above styled cause
 according to the following plat & report.

We first divided the home place in what we consid-
 ered six equal parts - or lots - quantity - quality
 water ways and means considered - out of which
 the heirs of Lydia West first drew a lot - said
 lot being designated Lot No 5 on the accom-
 panying plat and bounded as follows to wit:

Beginning at (A) a stake the North East
 corner of Lot 4 and thence with original North
 line N 52 1/2 E 24 4/100 poles to (B) a stake in a branch
 corner to Lot No 6 and with line thereof S 43 E 30 8/100
 poles S 38 1/2 E 3 1/2 poles to a stake in middle of
 Railroad Culvert thence S 72 1/2 E 11 7/100 poles to (C) a
 stake in public road N 37 E 3 6/100 poles to a stake
 S 69 E 40 3/100 poles with another road to a stake thence
 continuing with said road S 49 1/4 E 22 poles S 61 1/2 E
 17 9/100 poles S 28 1/2 E 10 poles S 9 1/4 E 22 1/4 poles S 56 E 9 32/100 poles
 S 15 E 10 poles S 21 1/2 E 24 poles to (D) a stake on the south
 original line of tract and with the same S 71 W
 18 1/2 poles to (E) a stake corner to Lot No 3 and with
 line of same N 33 1/2 W 87 2/100 poles to (F) a stake on the
 south line of Lot No 4 and with line of same
 N 35 25 E 5 6/100 poles to (G) a stake thence continuing

1 with line of said lot $N 71\frac{1}{2}W 49\frac{6}{10}$ poles to a stake in
2 road $N 32\frac{1}{2}E 2\frac{3}{4}$ poles $N 51W 51\frac{2}{10}$ poles to the beginning
3 Containing 32 acres more or less. Exclusion of
4 A.R. Right of way

1
5 R. J. Stewart drew Lots No 1 & 1' The notes and bounds
6 of Lot No 1 are as follows: Beginning at (H) an ash
7 the North West corner of original tract thence
8 with North original line $N 52\frac{1}{2}E 17\frac{3}{4}$ poles to (I) a
9 stake $S 37\frac{1}{4}E 74$ poles to (J) a stake in public
10 road $S 33W 9\frac{9}{10}$ poles to a stake thence $S 66\frac{1}{2}E 50$ poles
11 to (K) a stake and bunch of lymus thence
12 with South original line $S 51W 48$ poles to (L) a
13 sugar tree stump original south west corner
14 thence with the West line of said tract $N 34W 12\frac{44}{100}$
15 poles to the beginning Containing ~~18~~ acres
16 More or less — Exclusion of A.R. right of way

1' 17 Lot No 1' is bounded thusly - Beginning at
18 (N) a hickory on the East original line corner to
19 Lot No 6 and with line of same $S 71\frac{1}{2}W 40\frac{9}{10}$ poles
20 to (X) a stake corner to Lot No 2' and with a line
21 thereof & with Lot No 4: $S 17\frac{1}{2}E 70$ poles to (O) a stake
22 on the South original line and with same
23 $N 71E 37\frac{4}{10}$ poles to (P) a double chestnut the S.E.
24 original corner thence continuing with the
25 East line $N 17W 21$ poles $N 3\frac{1}{4}W 12\frac{54}{100}$ poles $N 15W 14\frac{90}{100}$
26 poles to a rock ^{$S 79\frac{1}{4}W 3\frac{1}{2}$ poles to a rock} $N 16\frac{1}{2}W 20\frac{2}{10}$ poles to the beginning
27 Containing $17\frac{1}{4}$ acres More or less —

2
28 Susan Stewart drew lots No 2 & 2' Lot No 2 is
29 bounded as follows Beginning at (I) a stake
30 Corner to Lot No 1 thence with the North original
31 line $N 52\frac{1}{2}E 17\frac{3}{10}$ poles to (a) a stake $S 41\frac{1}{4}E 68\frac{3}{10}$ poles

to (A) a stake in public road thence with the same
N 33° E 3 $\frac{3}{4}$ poles to a stake S 64 $\frac{3}{4}$ ° E 46 $\frac{1}{4}$ poles to a stake
in the creek bed S 51° E 65 poles to (S) a stake on the
south original line and with the same S 71° W 58 $\frac{3}{4}$
poles to (S²) a stake corner to the Jones line and with the
same or original line N 71° W 36 poles to (K) a double line
Corner to Lot 2 and with lines thereof N 66 $\frac{1}{2}$ ° W 50 poles
to a stake in public road N 33° E 9 $\frac{9}{10}$ poles to (J) a stake
N 37 $\frac{1}{4}$ ° W 74 poles to the beginning Containing 26 acres
More or less Exclusive of R.R. right of way

Lot No 2' May be described by the following notes &
bounds - Beginning at (W) a stake corner to Lot No 6 and
9 poles in line continued from the sourwood white oak and
rock original corner - thence with lines of Lot No 6
S 49° W 25 $\frac{3}{10}$ poles to (X) a stake in the middle of public
road and with the same S 28 $\frac{1}{2}$ ° E 8 $\frac{3}{100}$ poles S 9 $\frac{3}{4}$ ° E 16 $\frac{15}{100}$
poles to (Y) a stake thence leaving road N 72 $\frac{1}{2}$ ° E 64
poles to (Z) a stake on the west line of Lot No 1'
and with said line N 77 $\frac{1}{2}$ ° W 18 $\frac{87}{100}$ poles to (N) a
stake on the south line of Lot No 6 and with
the same S 71 $\frac{1}{2}$ ° W 23 $\frac{46}{100}$ poles N 58 $\frac{1}{2}$ ° W 22 $\frac{24}{100}$ poles
to the beginning Containing 9 acres More
or less -

Mrs Mary Slump drew Lot No 3 bounded
as follows: Beginning at (A) a stake on the north
original line thence with same N 52 $\frac{1}{2}$ ° E 17 $\frac{1}{4}$ poles
to (U) a stake, corner to Lot No 4 and with lines
of same S 51° E 61 $\frac{1}{2}$ poles to V a driven stake
in public road S 33° W $\frac{1}{2}$ poles to a driven stake
S 64° 36' E 47 $\frac{1}{2}$ poles to a stake in creek bed
thence N 35° 25' E 22 $\frac{22.8}{100}$ poles to (F) a stake corner to Lot

N^o 5 and with line of same S 33 $\frac{1}{2}$ E 87 $\frac{1}{4}$ poles to (E) a stake on the south original line and with the same S 71 W 31 $\frac{1}{2}$ poles to (S) a stake corner to Lot N^o 2 and with line of same N 51 W 65 poles to a stake in creek bed N 64 $\frac{3}{4}$ W 46 $\frac{1}{4}$ poles to a stake in public road S 33 W 3 $\frac{1}{2}$ poles N 41 $\frac{1}{4}$ W 68 $\frac{3}{10}$ poles to the beginning Containing 34 acres More or less

4 Elisabeth Sarver drew Lots N^o 4 & 4th Lot N^o 4 is bounded as follows: Beginning at (A) a stake on the north original line corner to Lot N^o 5 thence with said line S 52 $\frac{1}{2}$ W 27 $\frac{1}{2}$ poles to a stake S 51 E 61 $\frac{1}{2}$ poles to (V) a stake in public road S 33 W $\frac{1}{2}$ poles to a driven stake S 69 $^{\circ}$ 36' E 47 $\frac{1}{2}$ poles to a stake N 35 $^{\circ}$ 25' E 28 $\frac{4}{10}$ poles to (G) a stake N 71 $\frac{1}{2}$ W 49 $\frac{6}{10}$ poles to a stake in road N 32 E 2 $\frac{2}{10}$ poles N 51 W 51 $\frac{26}{100}$ poles to the beginning. From ~~point excluded but is included in the polygon under a bound~~ Containing 16 acres More or less - Excluding ~~the 12.02 right of way and grange road~~ Lot N^o 4 is bounded in this wise Beginning at Y a stake in public road corner to Lot N^o 2 and with line of same N 72 $\frac{1}{2}$ E 64 poles to (Z) a stake on line of Lot N^o 1 and with same S 17 $\frac{1}{2}$ E 51 $\frac{13}{100}$ poles to (O) a stake on the south original line and with same S 71 W 63 $\frac{3}{10}$ poles to D a stake in public road corner to Lot 5 and with line of same N 21 $\frac{1}{2}$ W 24 poles N 15 W 10 poles N 5 W 9 $\frac{32}{100}$ poles N 9 $\frac{3}{4}$ W 6 $\frac{07}{100}$ poles to the beginning Containing 21 acres More or less -

6 Emma Stewart drew Lot N^o 6 bounded as follows: Beginning at (B) a stake in the branch corner to Lot N^o 5 and with line thereof S 43 E 30 $\frac{8}{10}$ poles

1 S 38 $\frac{1}{2}$ E 3 $\frac{1}{2}$ poles to a stake in the middle of Railroad
 2 Culvert Thence S 72 $\frac{1}{2}$ E 11 $\frac{1}{4}$ poles to (C) a stake in public
 3 road N 37 $\frac{1}{2}$ E 3 $\frac{1}{4}$ poles to a stake S 69 $\frac{1}{2}$ E 40 $\frac{3}{4}$ poles with another
 4 road to a stake Thence continuing with said road
 5 S 49 $\frac{1}{4}$ E 22 poles S 61 $\frac{1}{2}$ E 17 $\frac{1}{4}$ poles S 28 $\frac{1}{2}$ E 1 $\frac{1}{4}$ poles to (X)
 6 a stake in middle of road corner to Lot N^o 2
 7 Thence with line of same N 49 $\frac{1}{2}$ E 25 $\frac{3}{4}$ poles to (W,
 8 a stake 1 pole from rock sourwood & white
 9 oak original corner S 58 $\frac{1}{2}$ E 22 $\frac{1}{4}$ poles N 71 $\frac{1}{2}$ E 64 $\frac{3}{4}$
 10 poles to (N) a hickory on the East line and with
 11 the same N 16 $\frac{1}{2}$ W 21 $\frac{1}{2}$ poles to (2) a small sugar tree
 12 original corner Thence continuing with original
 13 line S 88 W 41 $\frac{1}{4}$ poles to (5) a buck S 48 $\frac{1}{4}$ W 32 $\frac{1}{2}$ poles
 14 to said white oak sourwood & rock Thence with
 15 original line N 47 $\frac{1}{2}$ W 11 $\frac{1}{4}$ poles to a stake at
 16 apple tree and junction of fences Thence con-
 17 tinuing with original line S 52 $\frac{1}{2}$ W 62 $\frac{1}{2}$ poles
 18 to the beginning Containing 45 acres
 19 more or less Exclusion of R.R. right of way
 20 The Family Grove yard is to remain
 21 to the estate undivided, each heir having
 22 equal privileges thereto, and it is to be
 23 enlarged from its present dimensions
 24 $\frac{1}{2}$ pole East and $\frac{1}{2}$ pole West along the
 25 R.R. right of way - or four poles in entire
 26 width and to extend back four poles
 27 at right angles thereto Containing $\frac{1}{2}$ acre
 28 The upper cross fence shall be placed
 29 on line between Lots 1 & 2 and the next
 30 upper fence shall be placed on line
 31 between 2 & 3.
 32

Lower
Yard

John G. Ely drew Lot No 7 known as the
 Russell tract containing 12 acres more or less
 not surveyed by us and more fully described
 in deed from John Russell to Joseph Ely as
 is of record in the Clerk's office of Lee
 County Va. We fix the excess in value of
 this lot over any one share heretofore
 described at $991.66\frac{2}{3}$ dollars. Of which
 amount $\frac{1}{7}$ shall be paid by said John G. Ely
 to the other heirs, he retaining the remain-
 ing $\frac{6}{7}$ of said amount.

Respect submitted. This the 24th day of May 1907
 L. M. Carnical
 A. D. Litter
 John F. Headen } Commrs.

Chief Clerk Ch. 1 day	1.00
L. M. Carnical Sur & Comm 8	41.00
A. D. Litter 10 days	20.00
J. F. Headen 6 "	12.00
Timothy Stewart 5 Ch	5.00
Morgan Stewart 5	5.00
Hubert Stewart 5	5.00
Peter West 5	5.00
server 4 days	4.00
	<u>\$ 98.00</u>

John G. Ely et als
v } Comrs report
Rachel West et als

Filed May 25th 1901
A. B. Murney Clerk

L M Larnical	41.00
A. D. Litton	20.00
J. F. Zander	12.00
Timothy Stewart	5.00
Marion Stewart	5.00
Walter Stewart	5.00
Peter West	5.00
Sarver	98.00

Partition
of
Home Place
Joe Ely dec, Lands

L.M. Carmichael
A.D. Litton
J.F. Headen } Comm

1900



This agreement made and entered into
on this the 18th day of June 1900, by and be-
tween the undersigned heirs at law of Joseph
Ely deceased. Witness, That whereas
certain portions of the land owned by the
said Ely at the time of his death, were rented
by him in his life time, other portions of it
is in meadow, and other portions of it
is in pasture, and whereas said lands have
been recently partitioned by Commissioners
appointed by the Circuit Court of Lee
County, and whereas each of the said
heirs is anxious to get possession of the
share assigned to him or her as early as
possible, and to settle and equalize the
matter of rents at an early day and ~~and~~
without litigation, It is therefore agreed
that the grain due by way of rents shall
be gathered and divided in 7 equal ~~for~~
parts and that each of said heirs shall take
his or her part thereof without troubling the
administrators of said Estate to sell the
same, and it is further agreed that each
of said heirs shall at once take charge
of the gross on the share assigned to him
or her, and in order that said heir so taking
his or her gross into possession may properly
account for the rent of the same, it is agreed
that H. C. Joslyn & J. S. Leach who are re-

acted for the purpose shall go upon said
shores mowing grass upon the same and
ascertain and determine the amount which
each hire shall pay for said grass, which
said sum when so ascertained shall be
divided into seven equal parts of which
each hire shall have one. If the said
Leop and Joslyn fail to agree they are
authorized to select an umpire, whose
award shall be final. If the said
Joslyn & Leop make an award it shall
be final. Said Joslyn with and Leop
will determine at what time possession
shall be delivered, of any of said lands that
is in corn wheat or peas, and any allowance
that is to be made for pasture of stock
fields, &c. witnesses the following signa-
tures and seals the day and date above
written -

Mary Shierman (Seal)

John D. Eg. (Seal)

Rebecca Stewart (Seal)

Elizabeth Larver (Seal)

Rebecca Stewart (Seal)

John D. Eg. Assignee of Rebecca Noe (Seal)

Susan Stewart (Seal)

A. P. M. Stewart (Seal)

J. P. West (Seal)

Guardian for Jos & Rebecca Larver

$$\begin{array}{r} 7 \overline{) 991.66 \frac{2}{3}} \\ \underline{141.66} \\ 850 \end{array}$$

$$\begin{array}{r} 14.50 \\ 2.07 \\ \hline 12.43 \end{array}$$

$$\begin{array}{r} 7 \overline{) 14.50} \\ \underline{2.07} \end{array}$$

Papers Report &c. of Heirs of
Joseph Geh Secd.

1500

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Rebecca J. Nae nee West*
Rachel West, Joseph West and Phoebe West

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *February* 1900 to answer a

bill in chancery exhibited against *them* in our said court by *Mary Slump*
nee Ely, Rebecca J. Stewart nee Ely, Emily Stewart
nee Ely, Susan Stewart nee Ely, Elizabeth Sarver
nee Ely and John S. Ely

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *13th* day of *February* 1900 ~~189~~, and in the *124th* year of the
Commonwealth.

A. B. Munsey Clerk

Mary Slomp et als
US. { SUBPOENA
IN CHANCERY

Rebecca J. Noe et als

L. T. Duncan p. q.

To 2nd Feby Rules.

1900 Circuit Court.

Feb. 16 1900

Executed by Delivering
a true copy of the
within to Joseph West
Rachel West & Phoebe
West

E. S. Evans
Deputy for
Er J. Mulhram
S L E

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Rebecca J. Roe, nee West*
Rachel West, Joseph West and Phoebe West

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *February 1900*, to answer a
bill in chancery exhibited against *them* in our said court by *Mary Slump*
nee Ely, Rebecca J. Stewart nee Ely, Emily Stewart
nee Ely, Susan Stewart nee Ely, Elizabeth Sarver
nee Ely and John G. Ely

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *13th* day of *February 1900* ~~189~~, and in the *12 4th* year of the
Commonwealth.

A Copy

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

Mary Slomp et als

vs.

SUBPOENA

IN CHANCERY

Rebecca J. Noel et als

C. T. Duncan p. q.

To 2nd February Rules.

1900 Circuit Court.

I accept legal service
of the within summons
this the 17 day of Feby
1900

Rebecca J. Noel